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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,176	03/28/2001	Brian Christopher Vermeire	20118/13	3519

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EXAMINER

MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,176

Applicant(s)

VERMEIRE ET AL.

Examiner

Farhood Moslehi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,7,15 and 19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,15 and 19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1,6,7,15 and 19 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunkel et al. (5,961,603) (hereinafter Kunkel) in view of Abato et al. (6,513,069) (hereinafter Abato).

4. As per claim 1, Kunkel teaches about a system for organizing and accessing content over a network of computers, the system comprising:

A database system connected to the network that contains a mapping of a plurality of channel codes to a plurality of network addresses and a plurality of content descriptions, where each channel code comprises a textual genre code and a number, and where each network address identifies a unit of content (e.g. col. 4, lines 40-50);

A content provider interface to the database system that is connected to the network for allowing content providers to enter the network addresses and the content descriptions into the database system for the units of content (e.g. col. 4, lines 45-55);

Kunkel does not specifically teach a personal computer connected to the network, for use by a computer user to view the units of content over the network; and

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A viewer interface software that is loaded on the personal computer, the viewer interface comprising a guide, and a browser-independent virtual remote, wherein the guide shows the content descriptions for units of content and allows a viewer to select one of the channels for viewing in a network browser application running on the personal computer;

Wherein the personal computer displays the guide to the computer user independently from the network application; and

Wherein the virtual remote control allows the computer user to display the units of content through the network browser application by inputting a textual genre code and a number or by selecting a textual genre code and the scanning channels by browsing through the channel codes for that genre code;

Wherein scanning channels by browsing through the channel codes for a genre code comprises cycling only through the channel codes for which units of content are accessible; wherein the channel code is not a URL.

Abato teaches a personal computer connected to the network, for use by a computer user to view the units of content over the network (e.g. Figure 2); and

A viewer interface software that is loaded on the personal computer, the viewer interface comprising a guide, and a browser-independent virtual remote, wherein the guide shows the content descriptions for units of content and allows a viewer to select one of the channels for viewing in a network browser application running on the personal computer (e.g. Figure 7);

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Wherein the personal computer displays the guide to the computer user independently from the network application (e.g. Figure 7); and

Wherein the virtual remote control allows the computer user to display the units of content through the network browser application by inputting a textual genre code and a number or by selecting a textual genre code and the scanning channels by browsing through the channel codes for that genre code (e.g. col. 10, lines 15);

Wherein scanning channels by browsing through the channel codes for a genre code comprises cycling only through the channel codes for which units of content are accessible; wherein the channel code is not a URL (e.g. col. 10, lines 25-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kunkel with Abato because it would provide for an easier and more familiar method to access the contents of the database using a virtual remote control running inside a browser screen. Moreover, the browser window would provide for easy to understand content channel codes.

5. As per claim 7, Kunkel does not specifically teaches about the system for organizing and accessing content wherein the Internet Domain Name System is not accessed in providing the computer user with units of content. Albato shows the system for organizing and accessing content wherein the Internet Domain Name System is not accessed in providing the computer user with units of content (e.g. col. 6, lines 30-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kunkel and Albato to provide for access to content of the network not using the Internet Domain Name System.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunkel in view of Abato in further view of Kaplan (6,058,430) (hereinafter Kaplan).

As per claim 6, Kunkel with Abato do not specifically teach the system for organizing and accessing content, wherein channel scan of the virtual remote control only cycles through the channels codes which have been identified as one of the user's favorite channels. Kaplan teaches the system for organizing and accessing content, wherein channel scan of the virtual remote control only cycles through the channels codes which have been identified as one of the user's favorite channels (e.g. col. 3, lines 1-11 & col. 4, lines 42-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kunkel with Abato with Kaplan. The motivation would have been to provide for s favorite list.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunkel in view of Abato in further view of "Official Notice".

8. As per claim 15, Kunkel in combination with Albato do not specifically teach the system for organizing and accessing content wherein the computer user can access units of content with the virtual remote control via a peripheral device, where the peripheral device is one of: a microphone, an infra-red controller for accepting commands from a physical remote control, or a game pad. "Official Notice" is taken that the use of infra-red devices such as computer mouse and keyboards are well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a peripheral device to accept commands.

The motivation would have been for an easier interface to scan and change programming.

9. Claim 19 is objected to because of the following informalities: Claim 19 depends on canceled claim 5. For examination purposes claim 19 is viewed as being dependent on claim 1. Appropriate correction is required.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunkel in view of Abato in further view of Back et al. (6,515,690) (hereinafter Back).

11. As per claim 19, Kunkel in combination with Abato do not specifically teach the system for organizing and accessing content wherein one of the textual genre represents units of content chosen by the use. Black teaches the system for organizing and accessing content wherein one of the textual genre represents units of content chosen by the use (e.g. col. 5, lines 34-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kunkel, Abato and Back. The motivation would have for the user to select content.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fm


ZARNI MAUNG
PRIMARY EXAMINER